(10006 Davis Avenue) \* OF BALTIMORE COUNTY 2nd Election District 1st Councilmanic District \* Case No. 91-440-A Terry W. Deitz, et ux

Petitioners

\* \* \* \* \* \* \* \* \* \*

FIGURES OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard with a side yard setback of 5 feet in lieu of the minimum required 35 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documenta-

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. Evidence indicated that due to the topography of the subject property, the proposed location for the accessory structure is the most feasible. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that demonstrate compliance with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unrea-Sonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, LT IS ORDERED by the Zoning Commissioner for Baltimore Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard with a side yard setback of 5 feet in lieu of the minimum required 35 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not use any of the accessory structures located on the subject property as a service garage.

3) There shall be no automotive repairs in the nature of mechanical, body and fender, or painting performed on the subject property.

4) There shall be no outside storage of inoperable and/or unlicensed motor vehicles or automotive parts.

5) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

for Baltimore County

Due to the steep elevation of ground-behind + around the dwelling. Of driveway was cut + ground was escavated - fear of erosion would occur because of Steepness of hill Difficult to bind level ground due to trees, location of. 3 pole Building- to protect antique cars from elements. Of Existing sineway leading to location of pole hilding (3) unable to more pole building closer to dwelling due to septic system drawn Gold.

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**AFFIDAVIT** 

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 91-440-A

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently or upon settlement will reside at \_\_\_\_\_

10006 Davis Avenue Granite, Baltimore County MD 21163 That based upon personal knowledge, the following are the facts upon which I/we base the request for

Due to the Steep elevation of around behaved \* around the dwelling see attached

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

TERRY W. DEITZ
APPIANT (Printed Name)

Donna C. Deitz AFFIANT (Printed Name)

TERRY W DEITZ AND DONNA C DEITZ

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

granted in accordance with the attached Order. In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

above-captioned matter. The Petition for Residential Variance has been

Enclosed please find a copy of the decision rendered in the

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

June 19, 1991

J. ROBERT HAINES Zoning Commissioner for Baltimore County

Very truly yours,

887-3353

cc: People's Counsel

111 West Chesapeake Avenue

Mr. & Mrs. Terry W. Deitz

Granite, Maryland 21163

(10006 Davis Avenue)

Case No. 91-440-A

Dear Mr. & Mrs. Deitz:

RE: PETITION FOR RESIDENTIAL VARIANCE

Terry W. Deitz, et ux - Petitioners

N/S Davis Avenue, 1700' W of Wrights Mill Road

2nd Election District - 1st Councilmanic District

10006 Davis Avenue

Towson, MD 21204

File

Zoning Description

91-440-A

BEGINNING at a point on the east side of Davis Avenue, which is a distance of 1700' west of the centerline of the nearest improved intersecting street known as Wrights Mill Road, as recorded in Deed Liber E.H.K. Jr., (No. 7304) Folio 605, running with the center of Davis Avenue (1) North 86 degrees 26 minutes east 225.7 feet; thence leaving the said avenue and running, (2) north 03 degrees 34 minutes west passing over an iron pin set on the north margin of Davis Avenue, 300 feet to an iron pin; (3) south 86 degrees 26 minutes west 225.7 feet to an iron pin; thence (4) south 03 degrees 34 minutes east passing over an iron pin set on the said north margin of the said avenue, 300 feet to the place of beginning. Containing 1.55 Acres of land, more or less. The improvements thereon being known as 10006 Davis Avenue, located in the 2nd Election district.

PETITION FOR RESIDENTIAL VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in The undersigned, legal owner(s) or the property extusts in pattimore county who which is sensitives and the description and plat attached hereto and made a part hereof, petition for a Variance from Section \_\_\_\_\_\_ 400.11 + 1AOI. 315.3 to allow an accessing structure in the Front yand hen of the rear yard and a side yard setback of 5' in how of of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:

See attached

Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of or this petition, and rurther agree to and are to be bound by the zoning re Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal Owner(s) of the property which is the subject of

City/State/Elp Code Attorney for Petitioner: W-554-5105 1006 DAVIS AVENUE H-461-5299

> Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

OF DERED by the Zoning Commissioner of Beltimore County, this 15 to day of 1991, that the subject matter of this petition be posted on the property on or before the 29TH day of 1104, 19 91.

ZONING COMMISSIONER OF BALTIMONE COUNTY A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, that the subject metter of this petition be advertised, as required by the Zoning Liw of Baltimore County, in two newspapers of general circulation Chroughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock,

CERTIFICATE OF POSTING

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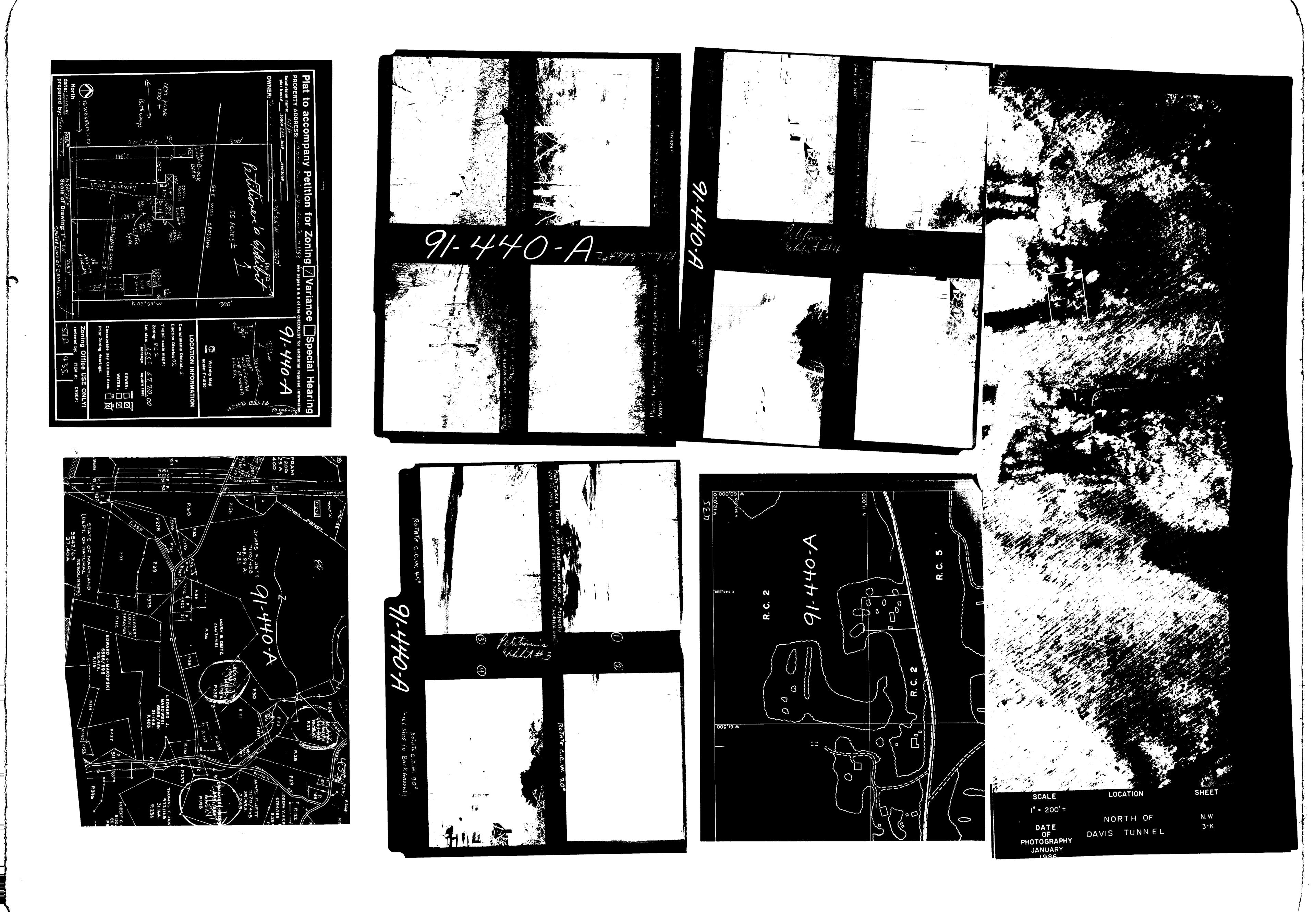
Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

corney's telephone number

Account: R-001-6150

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H7100435





111 West Chesapeake Avenue Towson, MD 21204

May 23, 1991

887 3353

Mr. & Mrs. Terry W. Deitz 10006 Davis Avenue Granite, MD 21163

Re: CASE NUMBER: 91-440-A LOCATION: N/S Davis Avenue, 1700' W of Wrights Mill Road 10006 Davis Avenue

Pear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 29, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is June 13, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.
ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

(301) 887-3391

91-440-A

I, William W. Deitz, residing at 10030 Davis Avenue, do not have any objection to a 30' X 40' Pole Building being constructed on the property of Terry W. Deitz, 10006 Davis Avenue.

William W. Deitz

As Witness my hand and Notarial Seal.

Notary Public
my Commission lexpines Sept 1, 1994

